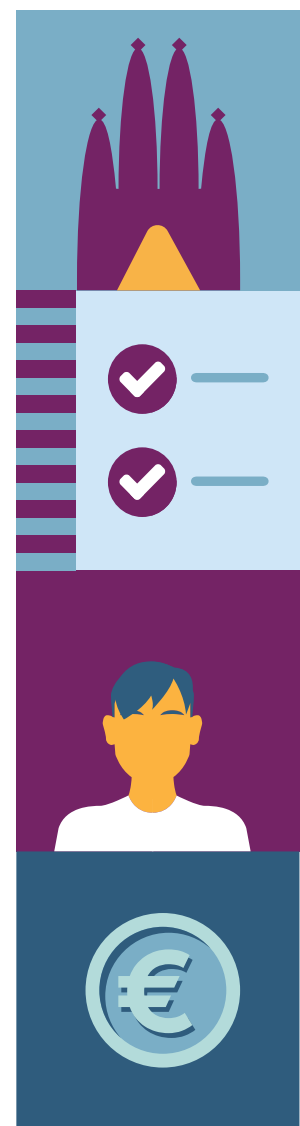




# 2018 SUSTAINABLE PUBLIC PROCUREMENT PLAN





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## INTRODUCTION

Article 9 of Mayoral Decree S1/D/2017-1271, of 24 April, on Barcelona City Council's Sustainable Public Procurement prescribes the development of an **annual Sustainable Public Procurement Plan**.

This corresponds to the Socially Responsible Public Procurement Commission, who will propose the aforementioned Plan within the first quarter of each year, setting forth the objectives that the entire municipal organisation will need to achieve in this field.

Later, the Commission will draft a compliance report detailing the annual objectives which will be published and put to the Public Procurement Committee for their consideration.

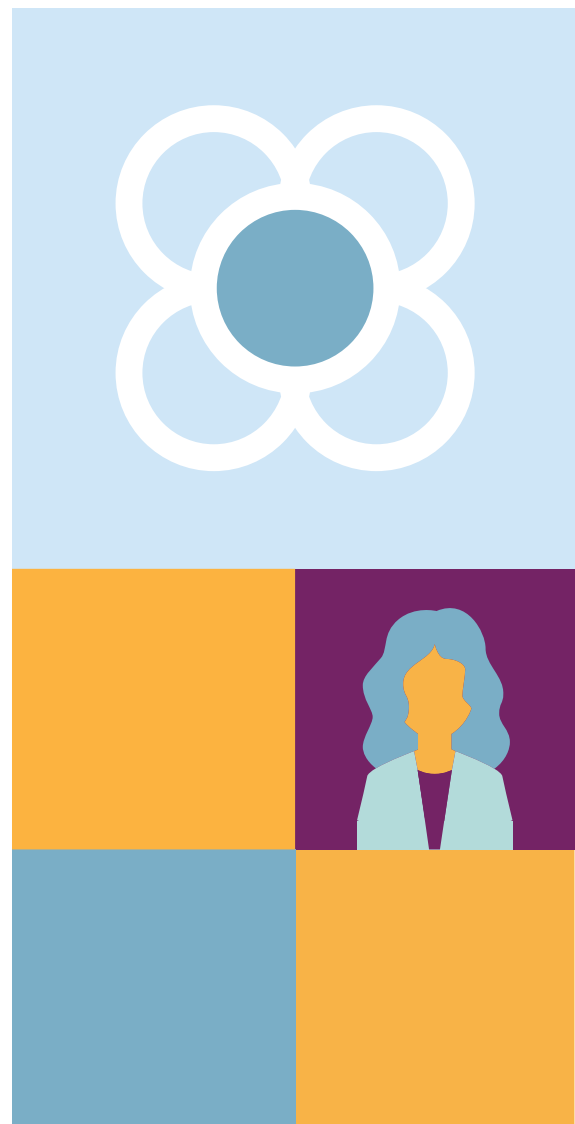
This annual programme offers an advanced and structured view of the municipal objectives in the field of strategic public procurement to the businesses that participate in calls for tenders initiated by Barcelona City Council and its subsidiaries, enabling the social, environmental and innovative measures incorporated into each tender to be designed and strengthened within a general framework.

This initial Plan does not contain specific quantified targets, but rather guidelines of a general nature. The Plan will be drawn up while the training programme is being developed by technical staff and a computer program is launched to monitor the data derived therefrom.

By the end of the 2018 fiscal year, some statistical data on performance will be available that will enable the future 2019 Plan to be produced, which will then set forth quantified targets.

## GENERAL CONSIDERATIONS

- This plan proposes action criteria for each promotion unit to apply in accordance with the conditions and characteristics of each procurement file.
- Each social, environmental or innovative measure will require a specific motive for its application to be stated in the file.
- The definitive implementation of each measure will complement that indicated in the Guides on Social, Environmental and Innovative Public Procurement approved by Decree S1/D/2017-1271, of 24 April, on Sustainable Public Procurement of the Barcelona City Council, and the Instruction from Barcelona City Council for applying Law 9/2017 on Public Sector Contracts.



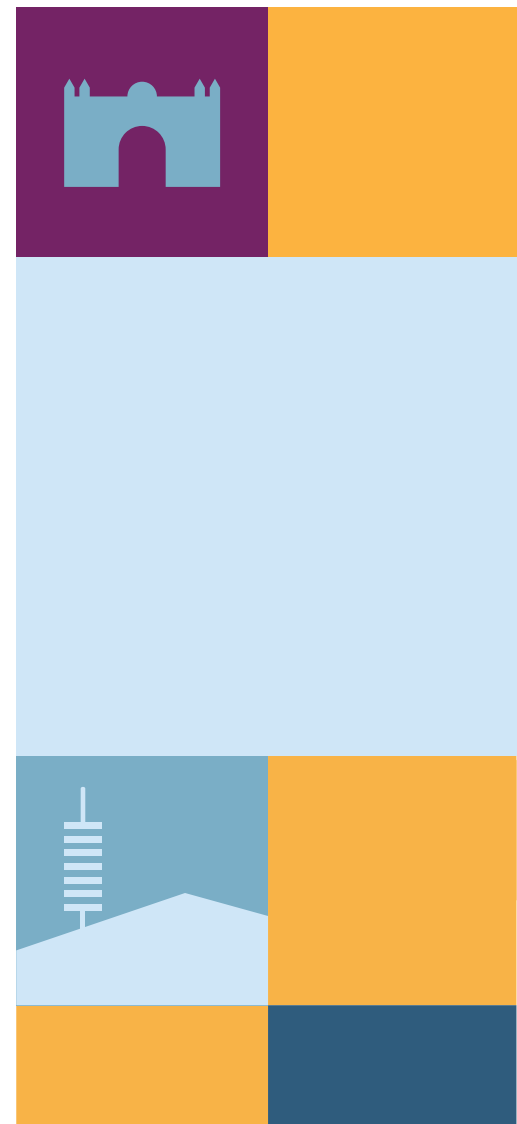


## REFERENCE STANDARDS

- [Decree S1/D/2017-1271, of 24 April, on Sustainable Public Procurement of the Barcelona City Council](#)
- [Barcelona City Council's Social Public Procurement Guide](#)
- [Barcelona City Council's Environmental Public Procurement Guide](#)
- [Barcelona City Council's Innovative Public Procurement Guide](#)
- [Law 9/2017, of 8 November, on Public Sector Contracts](#)
- [Instruction from Barcelona City Council for applying Law 9/2017 on Public Sector Contracts](#)

## INFORMATION ABOUT LAW 9/2017, OF 8 NOVEMBER, ON PUBLIC SECTOR CONTRACTS

- The explanatory memorandum of this Law determines that one of its main objectives is to attain an improved quality-price ratio in public procurement.
- Article 147 stipulates that the procurement bodies will ensure that adjudication criteria are established that allow for **high-quality procurement**.
- Article 100.2 stipulates that **the maximum tender budget will itemise direct and indirect costs, including labour costs** in all contracts in which the cost of the salaries for the workers that will perform the contract forms part of the total cost of the same, based on a reference labour agreement.
- The Law also stipulates that in the service contracts from Annex IV, as well as those that are subject to the supply of intellectual services, criteria related to quality must represent a minimum of 51 percent of the points available in the evaluation of the offers. This does not negate the necessary balance of points established among the automatic scoring criteria and those of value judgement. Strategic public procurement measures may also be established in the criteria, supported by mathematical formulas.
- Article 149.4 states that, in any case, procurement bodies will reject offers that are proven to be abnormally low because they violate subcontracting regulations or do not meet the obligations applicable to environmental, social or labour matters, whether national or international, including compliance with current collective sectoral agreements.





- Article 145.2 of the Law on Public Sector Contracts/2017 (LCSP, per the Spanish acronym), enables social concerns to be established in the adjudication criteria, **citing the improvement of labour and salary conditions, and also job stability** in the text.
- The 51st Additional Provision of this Law stipulates that procurement bodies may provision **payments to be made directly to subcontractors** in the Specific Administrative Clauses.
- Article 71.1.d) establishes that those companies with 50 or more employees that do not comply with the requirement of having a minimum of 2% of workers with disabilities will be prohibited from entering into contacts with public administrations, in accordance with Article 42 of Legislative Royal Decree 1/2013, of 19 November, and equally, those companies with more than 250 employees who do not have an Equality Plan, pursuant to Article 45 of Framework Act 3/2017, of 22 March.
- Article 125 of the LCSP/2017 determines the requirements that must be taken into account in the drafting of the Technical Specifications, explicitly mentioning all of the needs, **including universal accessibility and functional design or design for all**.
- Article 126.2 establishes that all procurement aimed at physical persons must capture the requirements of the United Nations in regards to people with disabilities, as well as universal accessibility criteria.
- The explanatory memorandum of the LCSP also mentions that, with the aim of encouraging respect for human rights, **and especially the rights of workers and small producers in developing countries, the possibility has been introduced for the award criteria and performance conditions to incorporate social aspects in production and commercialisation processes**, in relation to the work, supplies or services that shall be provided in accordance with the contract in question.
- Article 126.4 indicates that whenever the subject of the contract may affect the environment, the technical specifications shall be defined through the application of sustainability and environmental protection criteria.
- Additionally, Article 145.2.1 cites possible adjudication criteria of an environmental nature, such as: reducing greenhouse gases, employing energy saving methods and energy efficiency, using renewable energies, maintaining or improving natural resources, etc.
- Article 99.1 establishes that the subject of the contract may be defined based on its functional characteristics **without closing a single solution**, particularly in contracts that assess the incorporation of **social or environmental technological innovations**.

# SPECIFIC CONSIDERATIONS OF THE PLAN

## I.- SOCIAL MEASURES

### Information about the maximum tender budget

**Motive/description:** [Sustainable public procurement decree. Page 18](#)

**2018 Plan Objective:** From 9 March 2018, with the coming into force of the new LCSP 9/2017, **a breakdown of the budget** into direct costs (including salaries) and indirect costs **must be considered as a legal requirement**, not only as a social measure.

### Information about subcontracting:

**Motive/description:** [Sustainable public procurement decree. Page 19](#)

**2018 Plan Objective:** In order to carry out the accurate monitoring of payment defaults in subcontracting, the main contractor will have to certify compliance with payment terms to the subcontracting company through the SEI application on a regular basis.

### Information about Adjudication Criteria:

#### 1 Price valuation worth less than 35% of the total points

**Motive/description:** [Sustainable public procurement decree. Page 19. Instruction from Barcelona City Council for applying Law 9/2017 on Public Sector contracts, Article 9.4](#)

- **2018 Plan Objective:** Based on an accurate and thorough calculation of the maximum tender budget, the price valuation should not be a decisive factor in the vast majority of contracts. In consideration of the new LCSP/2017 guidance, it must be ensured that the adjudication criteria is designed in such a way that it enables the acquisition of high-quality works, supplies and services with the aim of attaining an improved quality-price ratio.

- As a consequence, and in line with the Social Public Procurement Guide, which has been expanded upon and reinforced in Article 9.4 of the Instruction from Barcelona City Council for applying Law 9/2017 on Public Sector Contracts, **in general, the points awarded for pricing shall not exceed 35% of the total points.**
- Motives for giving a higher score must be justified in the file.
- Percentages that are lower than the one indicated for the price evaluation may be established, based on the specific characteristics of the contract or the economic sector in which it is framed.





## 2 Abnormally low tender offers

**Motive/description:** [Sustainable public procurement decree. Page 20](#)

**2018 Plan Objective:** Measure to be included in all municipal contracts.

## 3 Better salaries for workers employed in performing the contract

**Motive/description:** [Sustainable public procurement decree. Page 22](#)

**2018 Plan Objective:** This adjudication criterion shall be applied on a preferential basis, where there exists a need to encourage greater remuneration in sectors where the professional categories with the lowest qualifications can be found, and especially in those with the most unstable levels of remuneration.

## 4 Indefinite employment contracts for workers employed in performing the contract

**Motive/description:** [Sustainable public procurement decree. Page 23](#)

**2018 Plan Objective:** This adjudication criterion will be applied in the event that the workforce is not expected to be transferred, and when market studies and knowledge of the economic activity sector indicate the existence of insecure employment contract conditions, with little stability.

## 5 Other possible adjudication criteria

The Social Public Procurement Guide does not constitute a strict catalogue of measures. On the contrary, it is expected that it will be continuously reviewed and improved in accordance with other specific guidance documents and regulation updates.

In this respect, in accordance with the provisions of Article 145.2 of the LCSP/2017, in particular, **the possibility of including measures to foster female procurement as an adjudication criterion** has been included in the Plan.

## Information about Special Performance Conditions:

### 1 Employing unemployed people or those at risk of social exclusion

**Motive/description:** [Sustainable public procurement decree. Page 28](#)

**2018 Plan Objective:** This measure will be applied to all contracts, on a **compulsory** basis, when there is a **minimum of 15 workers or more employed in performing the contract**.

An estimate for this criterion would include a minimum of 1 full-time, or 2 part-time workers (half-day), for each fraction of 10 workers employed in performing the contract.

Non-specialised professional qualifications of the staff members required may be a criterion used to activate this measure, but is not exclusive to this. The measure is fully applicable to other qualified professions and trades that are experiencing increasing numbers of unemployed workers with social difficulties.

### 2 Subcontracting with social economy enterprises<sup>1</sup>

**Motive/description:** [Sustainable public procurement decree. Page 24](#)

**2018 Plan Objective:** This measure must be activated when, after an analysis of the contractual provisions, it is considered that it may represent a social efficiency to establish, as a performance condition, that the contractor must subcontract with social economy enterprises.

### 3 Paying subcontracted companies

**Motive/description:** [Sustainable public procurement decree. Page 25](#)

**2018 Plan Objective:** This is a cross-sectoral measure which must be applied on a compulsory basis in all contracts in the terms proposed in the Social Public Procurement Guide, whenever the specifications recognise the possibility of subcontracting.

### 4 Transfer of staff

**Motive/description:** [Sustainable public procurement decree. Page 26](#)

**2018 Plan Objective:** The application of this measure is limited to contracts that strictly adhere to the following characteristics, and functions on a cumulative basis:

- ✓ Successive contracts in which there is no legal or conventional obligation to transfer the workforce.
- ✓ The workforce is highly important in qualitative and quantitative terms.
- ✓ Ensuring the permanence of people who carried out the activity in the previous contract is considered essential in order to guarantee a service provision with the maximum technical efficiency and as a social objective to guarantee work stability.
- ✓ Staff members have provided the service without interruption over a long period of time.

<sup>1</sup> Measures 1 and 2 incorporate an active protocol and advisory service on behalf of Barcelona Activa, based on [the management commission](#) approved on 06/04/2017 by the Government Commission.

## 5 Maintaining working conditions while the contract is in force

**Motive/description:** [Sustainable public procurement decree. Page 27](#)

**2018 Plan Objective:** A cross-sectoral measure. This provision is to be included in all tenders that involves workers in the performance of the contract.

## 6 Gender equality:

This measure is applied on a cross-sectoral and preferential basis in contracts for services to the people, using suitable ratios in all contracts in which physical persons are performing the contract.

### ► Equality plan:

**Motive/description:** [Sustainable public procurement decree. Page 30](#)

**2018 Plan Objective:** In accordance with Article 45 of the Framework Act 3/2017, of 22 March, all contractors with legal obligations must present a Plan for Equality among men and women within the first ten days following the date of contract formalisation, which will be applied to people performing the contract and, in the event that they are not legally obliged to produce an Equality Plan, they will be required to present applicable alternative measures related to the workers participating in the performance of the contract.

Prior to receipt of the provision, the contractor must present the contract manager with a final report on the effective application of the measures during the performance of the contract.

This performance condition may only be excluded in the event that people are not involved in the performance of the contract, or where the short-term performance period thereof (less than three months) does not recommend its application.

However, even if this condition is not included in accordance with the indications in the preceding paragraph, it should be noted that Article 71.1.d) of the LCSP establishes that all companies with more than 250 workers who do not have an Equality Plan pursuant to Article 45 of the Framework Act 3/2017, of March 22, are prohibited from entering into contracts with public administrations.

### ► Parity between men and women in professional profiles and categories:

**Motive/description:** [Sustainable public procurement decree. Page 30](#)

**2018 Plan Objective:** Applied on a preferential basis when considered essential for the performance of the public contract, either to contribute to the fight against the chronic feminisation or masculinisation of certain professional categories (horizontal segregation), in particular to encourage breaking through 'glass ceilings' (vertical segregation) which hinder women from gaining access to highly-qualified professional categories or managerial positions, or in services in which there is a desire to guarantee the citizens' right to receive user support from a woman or a man.

The contractor must communicate the number of men and women performing the contract, indicating their professional categories, in relation to the collective aim of the measure (staff in managerial positions and other professional categories and profiles), in order to certify that they comply with the ratios required.

The application of this measure is considered mandatory in contracts involving more than 100 workers.

In the case of staff transfers, the measure may focus on replacements or redundancies, so that the new intake adheres to the parity trend.

► **Inclusive communications:**

**Motive/description:** [Sustainable public procurement decree. Page 31](#)

**2018 Plan Objective:** Applied on a cross-sectoral basis in contracts that include interpersonal relations or communication elements.

► **Measures against sexual harassment and for reasons of gender:**

**Motive/description:** [Sustainable public procurement decree. Page 31](#)

**2018 Plan Objective:** Applied on a cross-sectoral basis in all contracts which include interpersonal relations.

The document submitted by the contractor will include, as a minimum, the following measures: information campaigns detailing sexual harassment behaviours and/or gender harassment, training initiatives, and the designation of one or more persons of reference who will ensure a work space free of sexist violence.

The contractor must provide a follow-up report detailing the measures applied during the performance of the contract and the effective level of compliance with these, approximately one month before the contract ends.

This performance condition may only be excluded in the event that interpersonal relations are not implied in the performance of the contract, or where the short-term performance period thereof (less than three months) does not recommend its application.

**7 Equal opportunities and non-discrimination against LGBTI people**

**Motive/description:** [Sustainable public procurement decree. Page 31](#)

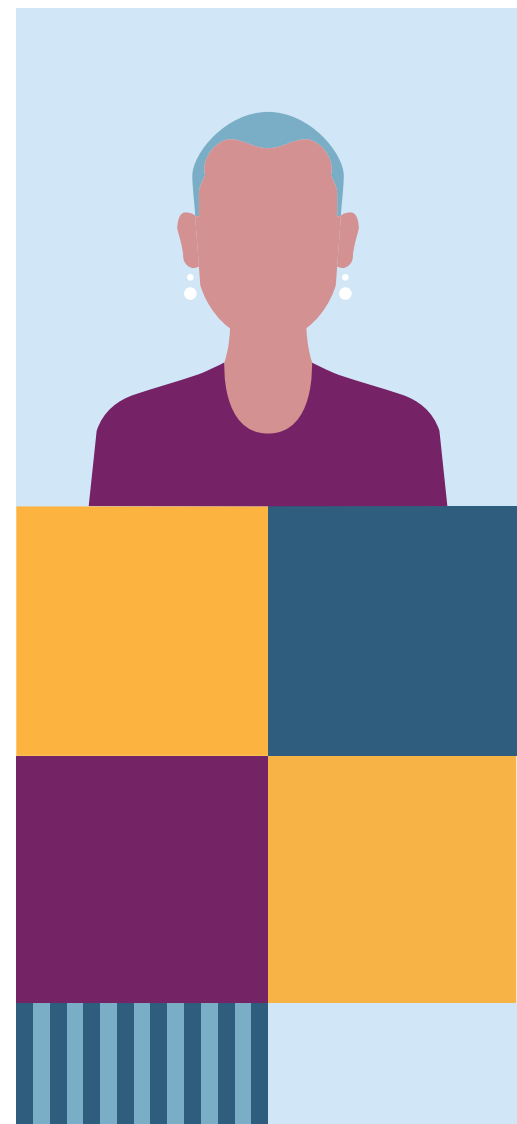
**2018 Plan Objective:** This measure is applied on a cross-sectoral and preferential basis in contracts for services to people, using suitable ratios in all contracts where physical persons are performing the contract.

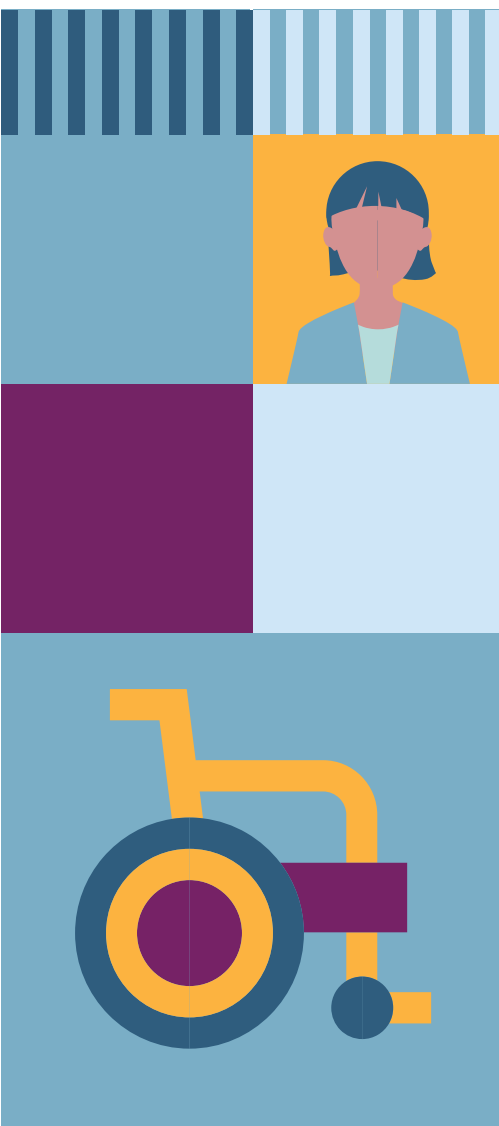
The contractor must provide a follow-up report on the measures applied during the performance of the contract, approximately one month before the contract ends.

**8 Balancing work, personal and family time**

**Motive/description:** [Sustainable public procurement decree. Page 32](#)

**2018 Plan Objective:** This measure is applied on a preferential basis when there is a substantial need for human resources for the performance of the contract.





Contractor compliance will be established for reconciliation measures for people performing the contract in one of the following areas: Time Flexibility, Labour Relations, Flexibility in the Workspace, Indirect Services and Provisions, Professional Support, or Complementary Services to clients and users.

Before the end of the contract, the contractor will submit a follow-up report indicating the measures activated during the performance of the contract and the number of workers for whom these were activated, categorised by gender.

This performance condition may only be excluded in the event that people are not involved in the performance of the contract, or where the short-term performance period thereof (less than three months) does not recommend its application.

#### 9 Workers with disabilities

**Motive/description:** [Sustainable public procurement decree. Page 33](#)

**2018 Plan Objective:** Cross-departmental measure to be applied to all contracts.

#### 10 Universal Accessibility

**Motive/description:** [Sustainable public procurement decree. Page 33](#)

**2018 Plan Objective:** As a performance condition: application of this measure is mandatory if the recipients of the contract are citizens or staff members of the City Council itself.

- As an adjudication criterion employed in value judgement: the promotion units may introduce improvements in universal accessibility beyond the requirements established in Law 13/2014, of 30 October, on accessibility, which will be used in the weighting of the offers.

#### 11 Compliance with social and employment regulations in the production process and commercial distribution

**Motive/description:** [Sustainable public procurement decree. Page 34](#)

**2018 Plan Objective:** In harmonised contracts that include the supply of electronic goods, it will be necessary to activate the protocols subscribed by the City Council within the framework of the Electronics Watch project.

- Applied on a cross-sectoral basis, proportionately, in the rest of the contracts including supplies.

## SUMMARY TABLE

MEASURE	TYPE	MANDATORY?	RECOMMENDATION/OBSERVATION
Breakdown of the budget	Internal definition	YES	The LCSP 9/2017, which entered into force on 9 March 2018, includes this precept in its articles (Article 100.2)
Subcontracting information	Internal definition	In the tender phase: NO In the performance phase: YES	
Price evaluation (less than 35% of the total)	Adjudication Criteria	In general terms, the price evaluation should not exceed more than 35% of the total points available	Motives for scoring above 35% must be stated in the file.
Abnormally low tender (for not tailoring the offer to salary costs)	Adjudication Criteria	YES	
Salaries of workers employed in performing the contract	Adjudication Criteria	NO	Applied on a preferential basis where there is a need to encourage higher remuneration in sectors where the professional categories with the lowest qualifications can be found, and especially in those with the most unstable levels of remuneration.
Indefinite employment contracts for workers employed in performing the contract	Adjudication Criteria	NO	This will be applied in the event that the workforce is not expected to be transferred, and when market studies and knowledge of the economic activity sector indicate the existence of insecure employment contract conditions, with little stability.
Employing unemployed people or those at risk of social exclusion <sup>2</sup>	Performance conditions	YES, in contracts in which more than 15 workers will be employed in performing the contract	Applied on a preferential basis when the substantial involvement of human resources is required for the performance of the contract.
Subcontracting social economy enterprises <sup>3</sup>	Performance conditions	NO	After an analysis of the contractual provisions, if it is considered that it may represent a social efficiency to establish, as a performance condition, that the contractor must subcontract social economy enterprises.
Paying subcontracted companies	Performance conditions	YES: unless subcontracting is expressly prohibited in the specifications	
Transfer of the workforce	Performance conditions	NO	The strict considerations required in the Public Social Procurement Guide must be met on a cumulative basis.

2, 3 Both measures incorporate an active protocol and advisory service on behalf of **Barcelona Activa**, based on the [management commission](#) approved on 06/04/2017 by the Government Commission.

MEASURE	TYPE	MANDATORY?	RECOMMENDATION/OBSERVATION
Maintaining working conditions while the contract is in force	Performance conditions	YES, for all contracts in which workers are involved in the performance of the contract	
Equality plan	Performance conditions	YES	This performance condition may only be excluded in the event that people are not involved in the performance of the contract, or where the short-term performance period thereof (less than three months) does not recommend its application.
Parity in professional profiles and categories	Performance conditions	YES: for contracts involving over 100 workers	Applied on a preferential basis when it is considered essential for the contractor to guarantee effective parity against horizontal segregation and especially in those sectors where vertical segregation is most evident and a need exists to counteract this trend
Inclusive communications	Performance conditions	YES	This may only be excluded from contracts which do not include interpersonal relationships or communication elements or where the short-term performance period thereof (less than three months) does not recommend its application.
Measures against sexual harassment and for reasons of gender	Performance conditions	YES	This performance condition may only be excluded in the event that people are not involved in the performance of the contract, or where the short-term performance period thereof (less than three months) does not recommend its application.
Equal opportunities and non-discrimination against LGBTI people	Performance conditions	NO	Applied on a preferential basis when there is a substantial need for human resources for the performance of the contract.
Balancing work, personal and family time	Performance conditions	YES	This performance condition may be excluded in the event that people are not involved in the performance of the contract, or where the short-term performance period thereof (less than three months) does not recommend its application.
Workers with disabilities	Performance conditions	YES	Companies with +50 workers must submit the certificate proving their compliance by having a minimum of 2% of workers with disabilities.
Universal accessibility	Performance conditions	YES: As a performance condition NO: as a criterion for adjudication	If the recipients of the contract are citizens or staff members of the City Council itself.
Compliance with social and employment regulations in the production process and commercial distribution.	Performance conditions	YES	When the contract includes the provision of goods, for example in harmonised contracts that include the provision of electronic goods.



## II. ENVIRONMENTAL MEASURES

The criteria defined in the environmentalisation instructions compiled in the Environmental Public Procurement are to be applied. The scope of each instruction is defined (products and services to which they shall be applied), general environmental priorities that must be included in procurement and the environmental criteria and aspects (some of which are mandatory, whilst others are for the consideration of the contract manager).

The following specific priority objectives have been established for 2018:

### 1 Electricity

- Maintain the 100% green electricity supply with Guarantee of Origin (GoO), from renewable sources or high-efficiency co-generation.

### 2 Office paper

- Achieve the target for recycled paper usage across the entire City Council, in which more than 90% of the total is recycled paper and ensure that no area or district is below 75%.

### 3 Wood

- Achieve the target for wood purchases, in which 90% of the total comes with a guarantee of origin from sustainable tree farms, and 100% in the case of tropical wood.

### 4 Public works projects

- Apply the technical instruction for works to 100% of BIMSA projects.
- Review the contents of the sustainability reports of the BIMSA construction project drafts and planning specifications for public spaces and infrastructure.
- Include the minimum energy efficiency class, equal or superior to the letter B, in the drafting of construction project specifications. Based on the approval of the new Technical Instruction to improve energy efficiency in municipal activities, the new environmental criteria defined in this instruction must be included in the drafting of construction project specifications.



## 5 Events

- Develop an environmental plan and ensure that the most relevant environmental measures are applied (sustainable mobility, noise limitations, reusable cups, waste management, etc.) for at least 3 major festivals or events (Mercè, Grec, annual district festivals), and at least one of the major events managed by BSM at the Fòrum.
- Guarantee that the necessary measures are applied to reduce noise pollution at all events organised by the City Council.

## 6 Dining room services

- In 100% of dining room service contracts for municipal nursery schools, maintain that fresh, seasonal produce originating from ecological agriculture are incorporated, in accordance with the criteria defined in the technical instruction for food services.
- Extend the incorporation of environmental criteria to the procurement of ad-hoc catering services, promoting ecological and fair trade products, as well as the elimination of single-use plastic cups, tableware and containers. Start to incorporate these criteria into vending services on a uniform basis in municipal buildings.

## 7 Textiles

- Uphold the obligation to certify the guarantee that textiles originate from a production process that respects basic working rights, in the contracts for the provision of work clothes for City Council staff (Parks and Gardens, GUB (Police), Fire service, BSM (Municipal Services)), included in the International Labour Organisation's declaration on the fundamental principles and rights at work. The certification method is described in the technical instruction on the sustainability of textile products.
- In clothing acquisition contracts, retain the mandatory limitations on the presence of chemical substances in the main fabrics used in the production of work clothes.
- Incorporate the two preceding criteria in major service contracts that are external to the Barcelona City Council (e.g. cleaning and waste collection, street lighting, etc.).

## 8 Vehicles

- Double the percentage of low-emissions vehicles (electric, hybrid or gas-powered cars and vans) acquired for the municipal fleet.
- Consider the preferences for the vehicles that must be acquired, as established in the technical instruction on the sustainability of vehicles in the preliminary phase of all tenders.
- Develop a Vehicle Purchase Plan that excludes the acquisition of diesel-powered cars as one of its main objectives, achieving a minimum reduction of 50% in the number of cars acquired in 2018, as well as a reduction in the number of diesel-powered vans. The instruction on vehicles shall be adapted and updated to this effect.

## 9 Building Cleaning and Waste collection

- In accordance with the provisions of the instruction, and those already incorporated into the existing contract, retain the mandatory requirement for the 4 general cleaning products to contain the minimum amount of pollutants possible (certified by eco-label). In the event that products are substituted by contractors, an evaluation will be carried out to ensure that they comply with the environmental characteristics established in the specifications.
- Equally, it is necessary to comply with the obligation to deploy and maintain selective waste collection (according to the quantities defined in the specifications) in municipal buildings, as established in the specifications.

## 10 Communication elements

- Retain the environmental quality and circular economy criteria for advertising and communication materials in the Communications Directorate's (Resource Management) general contract, as per the instruction.
- The use of recycled materials in standard paper-based communications (brochures, leaflets, posters, etc.) shall be applied on a cross-sectoral basis, in other communication contracts of the areas and districts.

## 11 Computer equipment

- Apply the energy efficiency criteria defined in the instruction on computer equipment during the acquisition of work stations, laptop equipment and multi-functional devices.
- Consider the basic environmental criteria during the acquisition of multi-functional devices to minimise the consumption of resources in order to attain that all computer equipment at the City Council is configured to print on both sides and in black and white, by default.
- Implement the aforementioned criteria in all major contracts and in a minimum of 80% of Barcelona City Council.

## 12 Exhibitions

- Start applying the environmental criteria defined in the technical instruction for the application of sustainability criteria in exhibitions at the ICUB (Barcelona Institute of Culture).

## 13 Environmental measures in other procurements

- The criteria defined in the Environmental Public Procurement Guide are to be applied. In the definition phase of each contract, it will be necessary to evaluate which environmental criteria may be prioritised for their incorporation, following the instructions established in the Guide.

### III. MEASURES RELATED TO INNOVATION

#### 1 Defining contractual needs with innovation in mind

- In the internal definition of the contract, before tendering, study technological improvements, organisational systems and procedures, social and environmental objectives which improve the quality of contractual provisions and, ultimately, the service to citizens.
- If it is considered that some of these objectives are not fully or only partially satisfied by the market, it will be necessary to enable the incorporation of innovation to encourage bidding companies to generate answers and solutions to the Administration's objectives.

#### 2 Advance planning and dialogue with the market

- In contracts that provide direct or indirect provisions to the public, or in contracts that have a significant economic value, consultations with the market will be increased, enabling us to find out about what is currently on offer and, at the same time, implicate future bidding companies in advance.
- The aim is to find out about and carry out market research on the solutions available to meet the needs that form the subject of the contract. This will enable the promotion and incorporation of the latest innovations available on the market and better collaboration between the parties.

#### 3 Open technical requirements indicating performance and functions

- Open technical requirements must be developed when the incorporation of innovative solutions is considered necessary. These shall identify the performance conditions and functions, without extensively describing the specific technical requirements of the provision.
- This approach allows the City Council to take on the role of collaborating partner, introducing ideas and innovative solutions that generate contract efficiency and performance.

#### 4 Introducing technology

- The evolution of ICTs and the widespread use of the Internet are transforming practically all sectors of society and our economy. Information and data has become one of the most valuable and prized assets, and together they shape what we call the knowledge economy or digital economy.
- Cities like Barcelona, with initiatives like the 2017-2020 Barcelona Digital City Plan, confront the need to transform their ways of doing and seek new technology and innovation-based technologies that allow us to take advantage of the momentum and development of this new economy and which, at the same time, deliver huge benefits to society and a more equitable and sustainable economic growth.
- The measures that must be observed and which will promote the new model of sustainable procurement for innovation must include principles such as ethical data management and technological sovereignty based on open-source software, open data and agile methodologies.

#### 5 Funding

- The City Council is relying on various funds to finance its projects involving innovative purchases. One of the most substantial is its own budget for routine purchases which, with the incorporation of innovation measures, is becoming one of the main driving forces.
- It must also be considered that the possibility of funding from the EU, the World Bank and others for SMEs exists for certain municipal contracts. Various international organisations are offering advisory services, financial support, event organisation and awards to help contracting authorities make innovative purchases in an open and non-discriminatory manner, whilst facilitating access for small and medium-sized businesses.



# ANNEX.

## TOOLS AND RESOURCES FOR IMPLEMENTING THE PLAN

### I. MONITORING PROTOCOL

#### **SEI application monitoring the indicators for social, environmental and innovative measures**

A computer application will be made available to the organisation in order to monitor the sustainable public procurement indicators: Social, Environmental and Innovation **The SEI application.**

All of the City Council's procurement units and their subsidiaries must enter the information required by the SEI application about each contract which includes social, environmental and innovative measures in the dynamic forms provided by this application. Additionally, the intention is for the contractor to provide the majority of the information needed to fulfil the indicators defined for each measure, which they will also be able to do via the SEI application.

The SEI application, in its initial phase, will enable

the monitoring of contracts that include social measures. Over the coming months, solutions that also enable environmental and innovative measures to be monitored will also be developed.

The application will be made accessible to the contract promotion units via the corporate intranet. It will automatically download any files that have selected specific social measures during the transaction carried out in SAP-contracts.

Units that do not process their procurement files via SAP-contracts will be required to register monitoring information directly in the SEI application. In these cases, units will need to manually register the contracts that they are processing in a simple form which requires basic details, where the social measures selected will be recorded (with environmental and innovative measures being introduced in the second phase). Once these steps have been completed, they will be able to access the dynamic forms to respond to questions on the indicators defined by each measure selected.

The contractors will access the SEI application via the Barcelona City Council's company portal. Companies will only be able to view the questions to which they are required to respond and are obligated to provide the information and documentation required on the form at the time the contract is awarded and throughout performance of the contract for each of the measures contained therein.

In some cases, this information and documentation will require validation or verification from the promotion units. The promotion units responsible for the management of each contract will ensure that the data that corresponds to the measures of each contract is input correctly.

## II. SUPPORT INSTRUMENTS

### Management assignment at Barcelona Activa

Barcelona Activa offers advisory services on the correct application of the clauses related to subcontracting social economy enterprises and the inclusion of unemployed people with particular difficulties in finding work or those experiencing social exclusion, both for tender units and the companies bidding for tenders.

The two protocols developed by Barcelona Activa have been published in the procurement section of the corporate intranet in order to address the guidance and management needs of the two aforementioned social measures:

[Protocol for the measure on Subcontracting Social Economy Enterprises](#)

[Protocol for the measure on hiring unemployed people with social integration difficulties or who are at risk of social exclusion](#)

Barcelona Activa will offer advisory services to all areas of the City Council and municipal groups that need support in evaluating the suitability of including these two clauses in procurement specifications.

Barcelona Activa is in the process of creating an online repository of social economy enterprises categorised by their activity sectors, compiling the full offering of social economy enterprises in existence, in a way that facilitates the correct fulfilment of the clause for companies awarded tenders.

### Other advisory protocols

The following protocols can also be found in the procurement section of the corporate intranet:

[Protocol for the inclusion of gender equality measures. Department of Gender Transversality](#)

[Protocol for the inclusion of the Inclusive Communications measure. Communications Department](#)

[Protocol for the inclusion of the measure on Equal opportunities and non-discrimination against LGBTI people. Department of Feminism and LGTBI Affairs.](#)

### Other active advisory services

Despite not having protocols published, some measures are associated with units with whom it is possible to make contact to receive advice and guidance when it comes to implementing other measures.

Universal accessibility: [Municipal Institute for Persons with Disabilities \(IMPD\)](#)

Making contracts more environmentally-friendly: [+ Sustainable City Council Programme](#)

Innovative public procurement: [Barcelona Digital City](#)

### Information and good practice resources

[The corporate intranet dedicated to Public Procurement](#) includes a section which focuses on sustainable public procurement where all of the resources referenced above can be found, as well as collections, examples and data on the application of sustainable public procurement measures.



### III. TRAINING

The Administrative Procurement Coordination Directorate, with the impetus of the Manager's Office for Presidency and Economy, has implemented a Training Plan on sustainable public procurement, thanks to which they have been able to disseminate the contents of the Public Procurement Decree and Guides, via information sessions designed for this purpose to almost the whole of the organisation, bringing together the shared specificities, problems and virtues that each of the proposed measures may have in each sector.

Different experts from various units of the City Council involved in the management of sustainable public procurement measures have been actively involved in the development of these sessions: from the CIRD and the Department of Gender Transversality, Barcelona Activa, the More Sustainable City Council Programme, the Commissioner's Office for Innovation and the Municipal Institute for Persons with Disabilities, as well as the Directorate itself.

From May 2017 to date, it has been possible to impart these sessions to approximately 550 people, and it is expected to reach more than 600 by the end of the first quarter of 2018.

It is expected that these training activities will continue in 2018, in order to attend to new requests received by the Directorate.

#### Training for SMEs

A training environment is being worked on which will be open to small-, medium-sized and micro companies that have an interest in becoming tenderers, so that they can get to know the characteristics of public procurement that the Barcelona City Council convene on a regular basis, and thus provide useful information so that this particular business community can bid for a contract with full knowledge and equal conditions of the tender processes.



#### IV. CREATION OF IMPROVEMENT FORUMS

A project is being worked on to create a virtual community in the field of sustainable public procurement where open exchanges or ideas, proposals and best practices can take place.

Barcelona, 23 February 2018



[barcelona.cat/contractaciopublica](https://barcelona.cat/contractaciopublica)



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